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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,837	11/15/2005	Dieter Ramsauer	GK-STR-1011/500638.20033	3764
26418	7590	10/28/2008		
REED SMITH, LLP				
ATTN: PATENT RECORDS DEPARTMENT				
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NEW YORK, NY 10022-7650				
EXAMINER				
DELSLE, ROBERTA S				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
10/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/556,837

**Applicant(s)**

RAMSAUER, DIETER

**Examiner**

ROBERTA DELISLE

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/8/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 7/14/08 have been fully considered but they are not persuasive. **THIS IS A FINAL ACTION.**
2. Claim Status:
  - a. Claim 32 Original
  - b. Claim 33 Currently Amended

#### **Regarding Argument 1\*: "a holding part ...separate from the body part..."**

*\*There may have been some confusion with regard to the numbering of Smith's parts. Examiner cited the body part to be 39' (note the prime mark) and not 39 which is the contacting surface.*

Examiner maintains that even though the body part and the holding part are made with plastic in a one-piece construction, the body part of Smith (39') is still separate from the holding part. Plus, it has been held that constructing a formerly integral structure in various elements involves only routing skill in the art.

**Regarding Argument 2: "whose free end has an inclined surface for supporting the body part on the rim or edge of the opening without play,"** Examiner maintains that the surface (33) would have a slight incline if for no other reason than to get the part out of the mold. Also, regarding the "without play," one purpose of Smith's holding elements is for "secure engagement within the aperture." Examiner takes the broadest sense of this phrase to include "without play" in the handle.

***Claim Rejections - 35 USC § 103***

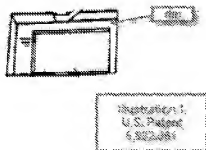
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 5,632,061) in view of Adams et al. (US 5,991,976).

**Regarding Claim 32, Smith discloses:  
Reference figures 1-3, for example**

(Original) A handle (Abstract) comprising: at least one [...] which can be mounted in an opening (12) (14, 15) in a thin wall (14) (22) such as a sheet-metal cabinet door; a head part (28) (12), such as a flange or olive-shaped handle, which overlaps the rim (24) (See Illustration 1 below) of the opening (12) (14, 15) of the thin wall (14) (22) on its outer side; a body part (30) (39') which proceeds from the head part (28) (12) and can be pushed through the opening (12) (14, 15) in the thin wall (14) (22); a holding part (34) (32) which is carried by the body part (30) (39'), supported on the other side (32) (25) of the thin wall (14) (22), and is separate from the body part (30) (39'); and said holding part (34) (32) being formed by holding elements (36) (31) which project in a flexible manner from the body part (30) (39') in the direction of its outer surface and whose free end has an inclined surface (38) (33) for supporting the body part (30) (39') on the rim (24) (See Illustration 1 below) or edge (40) (13) of the opening (12) (14, 15) without play.



**Smith discloses a handle but does not disclose a holding plate.**

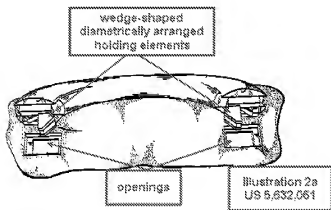
**Adams teaches:**  
**Reference figure 6, for example**

... holding plate (16) (54) ...

Examiner notes that Smith discloses a handle. Adams teaches the use of a holding plate. A holding plate provides a secure means for holding locking elements in place. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith with a holding plate as taught by Adams to provide a secure means for holding the locking elements in place thereby avoiding shifting or play in the handle.

**Regarding Claim 33, Smith further discloses:**

(Currently Amended) The handle according to claim 32, wherein two holding elements (36-1, 36-2) (30, 32) which are arranged diametrical to one another are provided for each opening of the thin wall and are acted upon by pressure elements or two coil springs (42-1, 42-2) (40), or wedge arrangements (56) (See Illustration 2a below) such as conical screws.



### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA DELISLE ("Bobbi") whose telephone number is (571) 270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Victor D. Batson  
Supervisory Patent Examiner  
Art Unit 3677

rsd